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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,102	10/21/2003	Marc Dupont	Q77761	3818

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EXAMINER

ADAMS, CHARLES D

ART UNIT PAPER NUMBER

2164

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/689,102	<b>Applicant(s)</b> DUPONT ET AL.	
	<b>Examiner</b> Charles D. Adams	<b>Art Unit</b> 2164	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10-21-2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 3-6, 8, 10, 15 and 17 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, applicant claims in line 8 "transferring the communication stream to a server over a radio communication and by using the mobile phone". However, this limitation is unclear, as it does not state how the mobile phone will be used.

Claim 1 recites the limitation "the respective mobile application" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the event codes" in line 4. There is insufficient antecedent basis for this limitation in the claim. Claim 3 also recites the limitation "the respective events" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the event codes" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the event codes" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the federator application" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the Federation Application" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the Federator Application" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 10 also recites the limitation "caused by the Federator Application and by using the mobile phone". However, the claim is unclear in that it doesn't state the manner in which the Federator Application and the mobile phone will be used in conjunction to transfer the communication stream to the server.

Claim 15 recites the limitation "the Federator Application" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 15 also recites the preamble "Server for executing the method according to claim 1", however the method according to claim one is executed on a mobile phone. Examiner has interpreted this preamble to mean the server is receiving the communication stream claimed in claim 1.

Claim 17 recites the limitations “the software program product” and “the Federator Application” in lines 2-3. There is insufficient antecedent basis for these limitations in the claim.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims lack a useful result. Though information is being generated, recorded in a mobile phone, and transferred to a server, nothing is being done with this information. As such, the claims are non-statutory.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-12, 14-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips et al. (US Patent 6,910,159) in view of Skagerling et al. (US Patent 5,621,663).

As to claim 1, Phillips et al. teaches a method for providing event information of a mobile application, particular of a mobile application executed on a mobile phone (see Abstract), to a server comprising the steps of:

Generating event information with respect to the mobile application (see 4:32-36).

Phillips et al. does not teach by the respective mobile application.

Skagerling et al. teaches generating event information with respect to the mobile application by the respective mobile application (see 5:7-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Phillips et al. by the teaching of Skagerling et al., since Skagerling et al. teaches that “the reported event may for example concern the starting or stopping of something, or the occurrence of an error. This makes it possible to trace the program and see exactly what happens during the execution of the program”.

Phillips et al. as modified teaches:

storing the event information in an event database on the mobile phone (see Phillips et al. 4:41-44, 6:7-10, and 7:27-32)

generating a communication stream comprising event database information (see Phillips et al. 4:45-47), and

transferring the communication stream to a server over a radio communication and by using the mobile phone (see Phillips et al. 4:61-63).

As to claim 2, Phillips et al. as modified teaches wherein the event information are generated and stored in the form of event codes (see 7:27-32 and Figure 4).

As to claim 3, Phillips et al. as modified teaches wherein the event database comprises at least the following fields:

A field for a mobile application identification (see Phillips et al. 7:36-38)

A field for the event codes or event information (see Phillips et al. 8:31-35)

A field for the number of the respective events (see Phillips et al. 8:3-12).

As to claim 4, Phillips et al. as modified teaches wherein the event information or the event codes are stored in the event database by the respective mobile application (see Skagerling 5:13-23).

As to claim 5, Phillips et al. as modified teaches wherein the event information or the event codes are stored in the event database by a Federator Application of the mobile phone (see Phillips et al. 4:41-44).

As to claim 6, Phillips et al. as modified teaches wherein the communication stream comprising event database information is generated by the Federator application (see Phillips et al., 4:45-47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Phillips et al. by combining the functionality of the

monitoring application and the first transport application into a single application. This reduces the number of programs being stored on the mobile device.

As to claim 7, Phillips et al. as modified teaches wherein the Federator Application generates the communication stream in such manner, that the communication stream comprises the content of the event database, wherein the event database is emptied after successfully transferring the event database content into the communication stream (see Phillips et al. 11:38-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Phillips et al. by combining the functionality of the monitoring application and the first transport application into a single application. This reduces the number of programs being stored on the mobile device.

As to claim 8, Phillips et al. as modified teaches wherein the Federator Application adds further information to the communication stream (see Phillips et al. 10:43-56).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Phillips et al. by combining the functionality of the monitoring application and the first transport application into a single application. This reduces the number of programs being stored on the mobile device.



As to claim 9, Phillips et al. as modified teaches wherein a server application adds further information to the communication stream (see Phillips et al. 12:48-56).

As to claim 10, Phillips et al. as modified teaches wherein the transferring of the communication stream to the server is performed or caused by the Federator Application and by using the mobile phone (see Phillips et al. 10:57-62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Phillips et al. by combining the functionality of the monitoring application and the first transport application into a single application. This reduces the number of programs being stored on the mobile device.

As to claim 11, Phillips et al. as modified teaches wherein the generating and/or transferring of the communication stream is performed in response to specific triggering criteria (see Phillips et al. 11:13-17).

As to claim 12, Phillips et al. as modified teaches wherein the specific triggering criteria is at least one of the following criteria:

A request, in particular from the server,

Data and/or time information,

Specific error messages

And/or

A specific memory status of the event database (see Phillips et al. 11:51-59).

As to claim 14, Phillips et al. as modified teaches that the mobile phone comprises an event database for storing event information related to events of a mobile application and a Federator Application for handling of the event database (see Phillips et al. 6:5-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Phillips et al. by combining the functionality of the monitoring application and the first transport application into a single application. This reduces the number of programs being stored on the mobile device.

As to claim 15, Phillips et al. as modified teaches wherein that the server comprises a server application which cooperates with the Federator Application, evaluates the communication stream (see Phillips et al. 4:61-63, 12:26-31, and 12:48-56).

The remainder of the claim is optionally recited and thus bears no patentable weight.

As to claim 16, Phillips et al. as modified teaches wherein said communication system comprises the mobile phone according to claim 14 and a server comprising a server application which co-operates with the Federator Application, evaluates the communication stream (see Phillips et al. 4:61-63, 12:26-31, and 12:48-56).

The remainder of the claim is optionally recited and thus bears no patentable weight.

As to claim 17, Phillips et al. as modified teaches wherein the software program product comprises the event database and the Federator Application (see Phillips et al. 4:41-44, 6:7-10, and 7:27-32).

As to claim 18, Phillips et al. teaches wherein the software program product is stored on a mobile phone memory (see Phillips et al. 4:24-31 and 4:64-5:18) .

As to claim 20, Phillips et al. teaches wherein the software program product comprises a server application, which co-operates with the Federator Application, evaluates the communication stream (see Phillips et al. 4:61-63, 12:26-31, and 12:48-56).

The remainder of the claim is optionally recited and thus bears no patentable weight.

7. Claims 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips et al. (US Patent 6,910,159) in view of Skagerling et al. (US Patent 5,621,663), and further in view of Sambin (US Pre-Grant Publication 2004/0106413).

As to claim 13, Phillips et al. as modified teaches the method according to claim 1.

Phillips et al. does not teach wherein the communication stream is transferred to the server in form of an Short Message Service.

Simbin teaches wherein the communication stream is transferred to the server in form of an Short Message Service (see paragraph [0013]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Phillips et al. in view of Simbin, since Simbin teaches “implementing a compressed format for GSM mobile equipment location data suitable to be sent in the form of an SMS message” (see paragraph [0017]).

As to claim 19, Phillips et al. as modified teaches the software program product according to claim 17.

Phillips et al. does not teach wherein the software program product is stored on a SIM-card.

Simbin teaches wherein the software program product is stored on a SIM-card (see paragraph [0013]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Phillips et al. in view of Simbin, since Simbin teaches “implementing a compressed format for GSM mobile equipment

location data suitable to be sent in the form of an SMS message" (see paragraph [0017]).

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles D. Adams whose telephone number is (571) 272-3938. The examiner can normally be reached on 8:30 AM - 5:00 PM, M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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**SAM RIMELL**  
**PRIMARY EXAMINER**